

May 31, 2016

The Board of County Commissioners met in regular session Tuesday, May 31, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Raymond Passick and Micheal Manning.

Packard moved, seconded by Manning and carried to approve the agenda, with the addition of Ditch Board.

Minutes of the May 10, 2016 meeting were approved with a motion by Passick, seconded by Powell and carried.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. The Board set the date for the Annual Tour of Roads to be June 28, 2016 following the regular meeting.

Polley discussed a concern reported by Matt Olson regarding rusting pipes at 312 St. & the Vermillion River. It was discussed that the pipes are outside of the right-of-way, so the County would not have to replace the pipes.

An Application for Entrance from a Clay County Highway was presented on behalf of Tom Merrigan to extend driveways at 2309 N. University Rd. Packard moved, seconded by Manning and carried to approve the application and authorize the Chairman's signature.

An Application for Occupancy on the Right-of-Way of County Highways was presented on behalf of Clay Rural Water System on East Main St. in Section 21, Township 92, Range 51 for a pipe. Passick moved, seconded by Powell and carried to approve the application and authorize the Chairman's signature.

Polley gave a report on Saginaw Avenue. He reported that the current plan is to pave the road in July. The Board requested that Polley set up a meeting with the contractor to discuss the project.

Larry Anthofer and Andy Johnson, Leisure Lawn Care, met with the Board to discuss concerns regarding the sprinkler system project for the Courthouse.

At 9:42 a.m., Packard moved, seconded by Manning to adjourn and convene as Board of Adjustments.

A variance hearing was held to consider a request for variance on behalf of Jerry & Leisa Bailey for a front setback of 45 feet due to the steep slope of the hill. It was reported that the Auditor received a phone call from the Sorensens stating that they were not opposed to the variance but would like to make sure the Baileys know that they spray the neighboring farm field. A neighboring property owner appeared with a copy of the covenants to ask about the setbacks listed in the covenants. Cynthia Aden, Zoning Administrator, clarified that the zoning regulations are different than the covenants, and the County does not enforce the covenants. Powell moved, seconded by Packard and carried to authorize and approve the variance.

At 9:51 a.m., Passick moved, seconded by Packard and carried to adjourn as Board of Adjustments and reconvene as Board of Clay County Commissioners.

Nancy Carlsen, Cindy Kirkeby, and Mark Wetmore met with the Board to discuss the Spirit Mound Township Cemetery. They discussed improvements that have been made to the cemetery and the need to raise funds to repair stones in the cemetery that are deteriorating. Jerry Wilson was present as well and said he discussed a weed problem at the cemetery with Dennis Ganschow, Weed Superintendent.

Cindy Kirkeby shared a flyer with the Board about the upcoming River Honoring celebration at Clay County Park.

T.J. Nelson from Senator Rounds' Office and Anna Madsen, Summer Intern, met with the Board to introduce himself, provide contact information, and discuss with the Board any concerns at the county level.

Powell moved, seconded by Manning and carried to approve and authorize the Chairman to sign a Fireworks Display Permit for a Fireworks Unlimited display on July 2<sup>nd</sup> at the Highlines.

The Board discussed the proposed CAFO regulations. Jerry Wilson was present, and Powell asked for his thoughts on the current draft of the proposed changes. Wilson said there are minor changes in language, but the major changes that were previously proposed and subsequently rejected, such as setbacks and waters of the state, are still present in the current draft. Powell moved, seconded by Packard and carried to allocate time on the July 5, 2016 agenda at the end of the meeting to discuss the proposed changes in the CAFO regulations further before moving into public hearings.

Powell moved, seconded by Packard and carried to approve the following claims for payment. May Bills: Commissioners \$7,874.50, Auditor's Office \$9,049.67, Treasurer's Office \$15,229.43, States Attorney's Office \$15,195.67, Courthouse \$2,632.42, DOE's Office \$9,892.25, ROD's Office \$6,628.67, Veteran's Office \$1,663.33, Sheriff's Office \$32,334.08, County Jail \$20,736.74, 24/7 Sobriety Project 1,341.12, LEPC \$385.25, Emerg. Mgmt. Office \$3,467.00, Highway Department \$37,840.06, County Nurse 2,354.25, Extension Office \$2,847.58, Weed Department \$2,916.23, and Zoning Office \$2,297.31; (Due to Other Government) State of SD Game Fish \$444.00; Reliance Telephone \$500.00 (Payroll Withholdings) Aflac \$1,276.65; Clay Co Treasurer \$41,422.48; Colonial Life \$359.97; Conseco/Washington \$24.45; Dearborn National \$207.69; New York Life Insurance \$244.02; Optilegra Inc. \$17.952; SD Retirement System \$19,745.08; SD Supplement Retirement \$1,535.00; SDRS Roth Plan \$400.00; United Way of Vermillion \$238.00; Vermillion Federal Credit Union \$1,566.00 and Wellmark Blue Cross \$36,693.63; (Professional Services and Fees) Billings, John P \$2,857.50; Broadcaster Press \$20.16; Corrisoft LLC \$311.85; Gapp, Debra \$2,160.00; Katterhagen, Mark \$22.50; Lewno, Lucille M \$172.96; Lincoln County Treasurer \$18.00; Netsys Plus Inc. \$582.50; Swanda, Karen \$22.50; Yankton Co Sheriff \$25.00 and Yankton Co Treasurer \$538.60; (Law Office) Peterson, Stuart, Rump \$6,323.55; (Publishing) Star Publishing \$261.47 and The Equalizer \$21.74; (Repairs and Maintenance) Bear, Inc. Db a Todd's \$107.12; Benco Products Inc. \$600.00; Century Business Products \$25.00; Counsel

\$2.00; Davis Watch & Clock Repair \$95.40; Johnson Feed, Inc. \$190.00; Midwest Bldg. Maint. \$24.00; Muenster, Ted \$473.27; Stone, Jim \$7.40 and Straub, Holly \$49.12; (Data Processing/Clay Creek) Bureau of Administration \$24.00 and Mastel, Bruce \$35.00; (Supplies and Materials) Benco Products Inc. \$7,850.64; Bob Barker Co Inc. \$115.57; Brock White Company \$881.08; Brunick Service, Inc. \$2,002.42; Campbell Supply Co. \$527.62; Concrete Materials \$2,534.50; Dataspec, LLC \$399.00; Davis Pharmacy \$104.48; FedEx \$115.24; Francotyp-Postalia Inc. \$129.00; Hy-Vee Inc. \$101.81; Intellectual \$61.95; JCL Solutions \$137.03; Johnson Feed, Inc. \$39.66; Lawson Products, Inc. \$317.03; Layne's World, Inc. \$23.34; Leisure World Inc. \$420.00; Mark's Machinery \$3,903.01; Microfilm Imaging Systems \$380.00; Midwest Bldg. Maint. \$42.00; Moore, David \$54.90; Quill Corporation \$396.93; Riverside Hydraulics \$228.05; Sturdevant's Auto Parts \$64.48; Truenorth Steel \$1,669.50; Van Diest Supply Company \$9,278.80 and Verizon Wireless \$13.26; (Copier Supplies) Quill Corporation \$32.37; (Travel and Conference) Best Western Ramkota Pierre \$569.94; Crum, Carri R \$57.00; Howe, Rhonda \$57.00; Olson, Jane \$57.00; Powell, Cathi \$57.00 and Vermillion Federal Credit Union \$831.65; (Inmate Travel) Brunick Service, Inc. \$90.50; (Utilities) CenturyLink \$439.80; City of Vermillion \$1,121.58; Verizon Wireless \$89.41; Verizon Wireless \$280.07 and Vermillion Garbage SVC \$156.00; (Payment) Brunick Service, Inc. \$1,103.48; Crop Production Service \$8,059.20; Freeman, Grace \$462.50; Hy-Vee, Inc. \$511.03; Layne's World, Inc. \$313.77; Oswald Investigations \$588.20; Quality Motors \$40.43; Sioux Falls 2-Way \$2,025.63; Vermillion Federal Credit Union \$85.98; Sevensing, Diane \$300.00 and Leader, Jordan \$20.00(JDC/Special Eq.) Minnehaha County JDC \$330.00; (Books) Thomson Reuters – West \$601.51 and A & B Business \$250.67; (Furniture and Minor Equipment) Microfilm Imaging System \$120.00; (Machinery and Auto Equipment) \$2,369.93.

The Board accepted notification from Dalesburg Lutheran Church of its upcoming barn quilt raffle.

Powell moved, seconded by Manning and carried to authorize the Chairman to sign the FY 2017 WIC County Contract with the SD Dept. of Health.

Manning moved, seconded by Passick and carried to June 14, 2016 at 9:05 a.m. for a public hearing for the first reading of Ordinance #2016-02, an ordinance amending the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion. The purpose of the hearing is to explain, discuss, and hear public comment regarding the proposed zoning change of certain properties to the APO – Zone A (Aquifer Protection Overlay District Zone A – Aquifer Critical Impact Zones) classification. Specifically, the properties are located in Vermillion Township, Sections 1 and 2 (South), 25, 26, 34, 35, and 36, Clay County, South Dakota.

Andy Howe, Sheriff, met with the Board to discuss the Juvenile Detention contract with Minnehaha County Juvenile Detention Center. Howe recommended continuing the agreement. Powell moved, seconded by Passick and carried to approve the contract and authorize the Chairman to sign it.

Howe discussed with the Board the potential for a contract with City of Irene for law enforcement. He stated he would need one to two additional deputies. The Board requested a monetary comparison and discussed the need for a longevity clause in the contract. Teddi

Gertsma, State's Attorney, stated it is easier to prosecute cases with officers who have proper training. The Board further discussed the budgetary costs to the county for law enforcement.

Teddi Gertsma, State's Attorney, discussed recent updates regarding the New Star Pipeline taxation.

Jane Olson, Register of Deeds, met with the Board. Manning moved, seconded by Passick and carried to authorize the Chairman to sign a renewal contract with Microfilm Imaging Systems for computer equipment.

Olson reported that there have been bulk purchase requests for documents and requested guidance from the Board regarding a policy for such requests. Gertsma and Philip Terwilliger, Deputy State's Attorney, advised the Board regarding statutes governing such requests.

Olson reported on an issue regarding plats and survey certificates for three pieces of property dating back to 1937. Gertsma suggested that the State's Attorney's Office send a letter to the landowners asking that they clear up the issue.

The Vermillion Public Library Board monthly reports and Annual Survey Certification were accepted and placed on file.

Recent payroll changes/additions were as follows: Garrett Anderson (Summer Highway/Weed) hired 5/24/16 at \$12.00/hr., Daniel Brue (Summer Highway/Weed) hired 5/18/16 at \$12.00/hr., Brett Hansen (Summer Highway/Weed) hired 5/16/16 at \$12.00/hr., Dylan Kludt (Summer Highway/Weed) hired 5/23/16 at \$12.00/hr., Benjamin Mulford (Intern – State's Attorney's Office) hired 5/19/16 at \$15.00/hr., Ricardo Rodriguez (Part-time Jailer) hired 4/26/16 at \$13.64/hr.

At 11:58 a.m., Packard moved, seconded by Powell and carried to adjourn and convene as Clay County Ditch Board.

Packard moved, seconded by Manning to amend the request to Johnson Engineering for preparation of bid specifications for 3 miles of Clay Creek Ditch with the option of an additional 3 miles individually for the potential of finishing the project.

At 11:59 a.m., Packard moved, seconded by Powell and carried to adjourn and reconvene as Board of Clay County Commissioners.

At 12:00 p.m. Passick moved, seconded by Manning and carried to adjourn and reconvene Thursday, June 9, 2016 at 9:00 a.m.

ATTEST:

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Travis Mockler, Chairman  
Board of County Commissioners

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Carri R. Crum, County Auditor

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